

HOUSE BILL No. 1037

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-14-3.

Synopsis: Broadcasters during emergencies or disasters. Provides that: (1) broadcasters shall develop comprehensive and coordinated plans for preparation for and responding appropriately to an emergency or disaster; and (2) any statewide organization or a member of a statewide organization that represents broadcasters may establish a program for training and certifying broadcast engineers and technical personnel as first response broadcasters.

Effective: July 1, 2014.

Mahan, Frye R, Forestal, Price

January 7, 2014, read first time and referred to Committee on Veterans Affairs and Public Safety.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 10-14-3-0.6 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2014]: **Sec. 0.6. As used in this chapter, "broadcaster" has the**
- 4 **meaning set forth in IC 10-13-5-2.**
- 5 SECTION 2. IC 10-14-3-22.5 IS ADDED TO THE INDIANA
- 6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2014]: **Sec. 22.5. (a) Broadcasters in Indiana,**
- 8 **in cooperation with the agency and the Indiana Broadcasters**
- 9 **Association or a successor association, shall develop comprehensive**
- 10 **and coordinated plans for:**
- 11 **(1) preparation for; and**
- 12 **(2) responding appropriately to;**
- 13 **an emergency or disaster.**
- 14 **(b) Any statewide organization or a member of a statewide**
- 15 **organization that represents broadcasters may establish a program**
- 16 **for training and certifying broadcast engineers and technical**



1 **personnel as first response broadcasters. A program established**
 2 **under this subsection must:**

3 **(1) be consistent with federal law and guidelines;**

4 **(2) provide training and education concerning:**

5 **(A) restoration of;**

6 **(B) repairing;**

7 **(C) resupplying; or**

8 **(D) any combination of the activities under clauses (A)**
 9 **through (C);**

10 **any facilities or equipment of a broadcaster in an area**
 11 **affected by an emergency or disaster; and**

12 **(3) provide training and education concerning the personal**
 13 **safety of a first response broadcaster in an area affected by an**
 14 **emergency or disaster.**

15 **(c) To the extent practicable and consistent with not**
 16 **endangering public safety or inhibiting recovery efforts, the state**
 17 **and political subdivisions shall allow a first response broadcaster**
 18 **access to an area affected by an emergency or disaster for the**
 19 **purpose of restoration of, repairing, or resupplying (or any**
 20 **combination of these activities) a facility or equipment critical to**
 21 **the ability of a broadcaster to acquire, produce, or transmit**
 22 **essential emergency or disaster-related public information**
 23 **programming, including repairing and maintaining transmitters**
 24 **and transporting fuel for generators.**

25 **SECTION 3. IC 10-14-3-29 IS AMENDED TO READ AS**
 26 **FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) A local disaster**
 27 **emergency:**

28 **(1) may be declared only by the principal executive officer of a**
 29 **political subdivision; and**

30 **(2) may not be continued or renewed for more than seven (7) days**
 31 **except by or with the consent of the governing board of the**
 32 **political subdivision.**

33 **Any order or proclamation declaring, continuing, or terminating a local**
 34 **disaster emergency shall be given prompt and general publicity and**
 35 **shall be filed promptly in the office of the clerk of the political**
 36 **subdivision.**

37 **(b) The effect of a declaration of a local disaster emergency is to:**

38 **(1) activate the response and recovery aspects of all applicable**
 39 **local or interjurisdictional disaster emergency plans; and**

40 **(2) authorize the furnishing of aid and assistance under the plans.**

41 **(c) An interjurisdictional agency or official may not declare a local**
 42 **disaster emergency unless expressly authorized by the agreement under**



1 which the agency functions. However, an interjurisdictional disaster
2 agency shall provide aid and services according to the agreement.

3 (d) If a local disaster emergency is declared under this section, the
4 political subdivision may not prohibit individuals engaged in
5 employment necessary to:

6 (1) maintain a safe rail system;

7 (2) restore utility service; or

8 (3) provide any other emergency public service;

9 from traveling on the highways within the political subdivision during
10 the local disaster emergency.

11 **(e) If a local disaster emergency is declared under this section,**
12 **the political subdivision may not prohibit individuals trained and**
13 **certified as first response broadcasters, as set forth in section 22.5**
14 **of this chapter, from traveling on the highways within the political**
15 **subdivision during the local disaster emergency.**

